

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Beckley

Date: 3/29/2012

Case Number 5:12-cr-00050

Case Style: USA vs. Gary May

Type of hearing Plea Hearing

Before the honorable: 2516-Berger

Court Reporter Lisa Cook

Courtroom Deputy Kierstin Tudor

Attorney(s) for the Plaintiff or Government Booth Goodwin & Steven Ruby

Attorney(s) for the Defendant(s) Tim Carrico

Law Clerk Matt Delligatti

Probation Officer Peggy Adams

Trial Time

### Non-Trial Time

Plea Hearing

### Court Time

9:00 am to 9:44 am

Total Court Time: 0 Hours 44 Minutes Non-Trial Time/Uncontested Time

### Courtroom Notes

Scheduled Start 9:00 a.m.

Actual Start 9:00 a.m.

Defendant present in person and by counsel.

Counsel note appearances on the record.

Defendant placed under oath.

Court FINDS Defendant competent to go forward.

Court summarizes plea agreement.

Court DEFERS acceptance of plea agreement but ORDERS original plea agreement filed.

Defendant waives reading of Information.

Defendant advised of right to be indicted.

Defendant executes waiver of indictment; same witnessed by counsel.

Court ACCEPTS wavier of indictment.

Defendant pleads guilty to single-count Information.

Court reads statute with which Defendant is charged.

Defendant advised of elements of offense which Government would have to prove at trial.

Defendant gives his account of the offense.

Mr. Ruby provides a proffer re: factual basis for the plea.

Defendant advised of the penalties which may apply based upon the plea.

Defendant advised of right to plead not guilty, to remain silent, and to stand trial.

Defendant executes written guilty plea form; same ORDERED filed.

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Court FINDS Defendant is competent and capable of entering an informed plea.

Court FINDS sufficient factual basis for Defendant's plea.

Court FINDS that Defendant understands the consequences of the plea.

Court FINDS that Defendant understands the rights being given up.

Court FINDS Defendant's plea to be voluntary.

Court ACCEPTS plea.

Court ADJUDGES Defendant guilty.

Sentencing SCHEDULED for August 9, 2012, at 1:30 p.m.

Defendant RELEASED on \$10,000 bond pending sentencing.

Court recessed at 9:44 a.m.